

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

KRAFT FOODS GLOBAL, INC., THE
KELLOGG COMPANY, GENERAL
MILLS, INC., and NESTLÉ USA, INC.,

Plaintiffs,

V.

UNITED EGG PRODUCERS, INC.,
UNITED STATES EGG MARKETERS,
INC., CAL-MAINE FOODS, INC., and
ROSE ACRE FARMS, INC.

Defendants.

No. 1:11-cv-08808

Judge Steven C. Seeger

ADDITIONAL PROPOSED INSTRUCTION
FOR PROF. MICHAEL BAYE'S TESTIMONY

Plaintiffs propose the following instruction to be read before Prof. Michael Baye testifies to the jury. Dr. Baye will be presenting a circumscribed version of his analysis—he will testify to injury, but without quantifying the injury. He will thus be limited in how he explains his analysis to the jury. The jury may wonder why the analysis stops short of quantifying damages. Plaintiffs, therefore, respectfully believe it makes sense to instruct the jury briefly as follows:

“You are about to hear the testimony of Dr. Michael Baye, who is the Plaintiffs’ expert on the issue of whether Plaintiffs suffered injury as a result of the alleged conspiracy. At my instruction, Prof. Baye will not attempt to quantify the damage that Plaintiffs allegedly suffered. One of the issues for you to decide in determining whether Defendants are liable for the alleged conspiracy is whether the Plaintiffs suffered an injury. For purposes of whether Defendants are liable to Plaintiffs, it does not matter how much Plaintiffs were allegedly damaged.”

October 29, 2023

Respectfully submitted,

***Counsel for Plaintiffs Kraft Foods Global,
Inc., General Mills, Inc., Nestlé USA, Inc. and
The Kellogg Company***

/s/ Brandon D. Fox

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